

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WARREN MITCHELL, also known as
ARKEEM R. ATKINS,

Plaintiff,

-against-

JOHN DOE and JANE DOE,

Defendants.
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APPEARANCES:

For Plaintiff: Warren Mitchell, Pro Se
a/k/a Arkeem R. Atkins
767 Eastern Parkway, Apt #2A
Brooklyn, NY 11213

For Defendants: No appearances

SEYBERT, District Judge:

Magistrate Judge E. Thomas Boyle issued a Report and Recommendation ("R&R") on January 15, 2010. As part of the R&R, Judge Boyle provided that any objections were to be filed with the Clerk of the Court within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court ADOPTS the R&R in its entirety. Plaintiff has failed to appear on the last four (4) occasions: September 11, 2009, October 16, 2009, November 17, 2009, and January 13, 2010. Furthermore, Plaintiff has not communicated with the Court in any way, and has apparently abandoned the action. Accordingly, pursuant to Rules 16(f) and 41(b) of the Federal Rules of Civil Procedure, Plaintiff's case is DISMISSED with prejudice. The Clerk of the Court is directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February /, 2010
Central Islip, New York